

REMARKS

Claims 1 and 21 were amended to include the limitation that the super-buoyant particle size is within the range of 0.1 micron to less than 1.0 mm. This range is disclosed in paragraph [0077], which discloses a diameter between 0.1 microns and 25.4 mm. Applicant submits that no new matter was added by this amendment.

Claims 1-3, 7, 21, 25 and 36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kondo 5,618,431. The Examiner has indicated that the Kondo reference disclose the structure of the apparatus recited in the instant claims. Applicant has amended claims 1 and 21 to include the limitation that the super-buoyant particle size is within the range of 0.1 micron to less than 1.0 mm. The Kondo reference provides that the diameter of the floating filter medium is preferably about 1 to 15 mm and "if smaller than 1 mm, there are problems in growth of biological membrane or blocking of flow through the filter medium" (see column 5, lines 63-67). Since Applicant has amended the present application to include filter media that have a size less than 1 mm, Applicant submits that the Kondo reference does not anticipate the claims of the present application. Therefore, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claim 22 and 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. as applied above, and further in view of Iwatani, 4,198,301. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claims 32 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. as above, and further in view of Hsiung, 4,608,181. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo in view of Hsiung et al as above, and further in view of Cochrane, 4,211,656. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claims 6, 24, and 29-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al as above, and further in view of Cochrane, 4,211,656. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. as above, and further in view of Daley, 5,178,772. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. as above, and further in view of Muller, 4,383,920. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. as above, and further in view of Holland, 6,067,653, and Banks, 4,885,083. For the reasons stated above, Applicant submits that the rejection has been overcome and respectfully requests reconsideration and allowance of the claims.

Claims 1-5, 7-10, 21-25, 27, 28, and 32-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,638,422. Applicant is prepared to submit a terminal disclaimer to overcome this rejection upon notification of allowable subject matter. The Examiner is invited to contact the undersigned attorney to expedite the filing of the disclaimer.

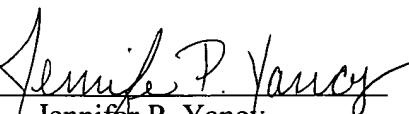
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Claims 6, 24, and 29-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,638,422 in view of Cochrane, 4,211,656. Applicant is prepared to submit a terminal disclaimer to overcome this rejection upon notification of allowable subject matter. The Examiner is invited to contact the undersigned attorney to expedite the filing of the disclaimer.

Claims 28 and 34 are objected to as being dependent upon a rejected base claim. For the reasons stated above, Applicant submits that the objection should be withdrawn and respectfully requests reconsideration and allowance of the claims.

Because of the amendment to claims 1 and 21, including the limitation that the super-buoyant particles have a size in the range of 0.1 microns to less than 1.0 mm, Applicant submits that the claims of the application are now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and allowance of the claims.

Respectfully submitted,

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